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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8328 of 2007

M/s. Vijay Engineering ...Petitioner

V/s.

Govind Ganpat Shinde ...Respondent

Mr.G.M.Savagave for the Petitioner

CORAM : B.H.MARLAPALLE,J.
DATED : 11th December, 2007

P.C.

Heard Mr. Savagave, the Learned Counsel for the Petitioner Company.

2. The Respondent workman had filed Comp(ULP) No. 9/1998 claiming the amount of closure benefits and the same was partly allowed exparte as the Petitioner employer did not appear before the Labour Court. As the order passed by the Labour Court was not implemented for payment of the closure compensation, the Respondent employee filed an application under Section 33C(2) of the Industrial Disputes Act, 1947 and it came to be registered as Application (IDA) No. 16/2003. Again the Petitioner Company did not appear before the Labour Court even on notice and, therefore, the application was

decided exparte on 24-11-2005 thereby issuing a certificate in the sum of Rs. 1,54,365/- to be recovered from the Petitioner as the dues payable to the Complainant - the present Respondent.

3. On or about 12-4-2007 Misc. Application (IDA) NO. 7/2007 came to be filed for setting aside the exparte order dated 24-11-2005 passed by the Labour Court regarding the recovery of the amount and said application has been dismissed on 11-9-2007 and hence this Petition which is being treated as the one filed under Article 227 of the Constitution.

4. The Judgement and order passed by the Labour Court in Complaint(ULP) No. 9/1998 had received finality and the Petitioner was directed to pay the closure benefits with cost of Rs.500/-. This order was not implemented and, therefore, the execution proceedings in terms of an application under Section 33C(2) of the I.D. Act came to filed before the Labour Court. On both occasions before the Labour Court, the Petitioner did not appear though the notice was served by the Courts. The calculations made by the Labour Court in respect of the 12 applicants cannot be termed as illegal or in any way erroneous. Even in this petition no attempt has been made to point out as to what exactly the amount each of

the applicants would be entitled to receive. The Petitioner had been remaining absent before the Labour Court despite the notice and thus exhibited utter disregard to the proceedings. This attitude of the Petitioner does not call for any sympathetic consideration and the Learned Judge of the Labour Court was right in rejecting the application for setting aside the exparte order dated 24-11-2005. The Petitioner has to pay for his own mistakes and suffer the money decree for recovery. The Petitioner does not show any respect to the process of law as is apparent from his behaviour.

5. Hence, no case is made out to interfere with the impugned order, under Article 227 of the Constitution and consequently, the Petition is rejected summarily.

[B.H.MARLAPALLE,J.]